

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1978 OF 2004.

Dharmaji Walchand Lubal. ... Petitioner
Versus.
Sou.Rukminibai Dharmaji Lubal & anr. ... Respondents.

Shri R.V.Bansode for the Petitioner.

Shri K.B.Sonwalkar for the Respondent No.1.

Shri A.S.Gadkari, A.P.P. for the Respondent No.2.

CORAM : ABHAY S. OKA, J.

DATED : 15th June, 2005.

P.C.:

1. This Petition under Article 227 of the Constitution of India is filed by the Petitioner-husband for challenging the order granting maintenance in favour of the Respondent-wife under section 125 of the Code of Criminal Procedure, 1973. The amount of maintenance is Rs.400/- per month. Revision Application filed by the Petitioner before the Sessions Court has been dismissed.

2. The learned Counsel appearing for the Petitioner submitted that the Respondent No.1 is holding agricultural land. He has placed reliance on 7x12 extract annexed to the petition. He submitted that the Respondent No.1 is getting income from the agricultural land.

3. The learned Counsel appearing for the Respondent

No.1 on instructions stated that the Respondent No.1 is not possessing any of the lands which are described in 7x12 extracts at pages 44 to 56 of this petition. He, therefore, submitted that no interference is called for.

4. Apart from the aforesaid statement made by the learned Counsel appearing for the Respondent No.1, there is no material on record to show that the Respondent No.1 has got any specific income from the land. More over the names of other persons also appear in the kabjedar's column of the 7x12 extract along with the Respondent No.1.

5. There is no perversity in the impugned Judgment and Order. The Petition is rejected with no order as to costs.

Judge.